

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 15730 of 2006(V)  
-----

PETITIONER:  
-----

SUSAN V. PAUL, HSA (ENGLISH),  
STANDARD POTTERY WORKS HIGH SCHOOL,  
ALUVA.

BY ADV. SRI.K.JAJU BABU  
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:  
-----

1. STATE OF KERALA, REP. BY SECRETARY  
TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT,  
GOVT. SECRETARIAT, TRIVANDRUM.
2. THE DISTRICT EDUCATIONAL OFFICER,  
ALUVA.
3. THE MANAGER,  
STANDARD POTTERY WORKS HIGH SCHOOL,  
ALUVA.

BY GOVERNMENT PLEADER SMT.M.R.SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

EXT.P1: TRUE COPY OF ORDER DT. 28/7/03 ISSUED BY R2.

EXT.P2: TRUE COPY OF REPRESENTATION SUBMITTED BY R3 DT. 7/8/2003.

EXT.P3; TRUE COPY OF ORDER DT.8/12/2003 ISSUED BY R1.

EXT.P4: TRUE COPY OF ORDER DT, 10/8/04 ISSUED BY R1.

EXT.P5: TRUE COPY OF REPRESENTATION SUBMITTED DT.7.7.2005.

EXT.P6: TRUE COPY OF ORDER DT. 17/10/2005.

EXT.P7: TRUE COPY FO ORDER DT. 5/4/2006.

EXT.P8: TRUE COPY OF PROVISIONAL CERTIFICATE DT. 27/3/2007.

-----  
**W.P(C) No. 15730 of 2006**  
-----

**Dated this the 27<sup>th</sup> day of June, 2007.**

**J U D G M E N T**

Having heard learned counsel for the petitioner and the learned Government Pleader I am satisfied that this writ petition can be disposed of without delving deep into the details of the contentions raised by the parties.

2. It is the admitted position that petitioner was promoted as High School Assistant (English) against the retirement vacancy of Smt.Saradamma, who was a High School Assistant (Social Science). It is also not in dispute that petitioner did not have the requisite qualification to be appointed as HSA (English) at that point of time. However it is now on record that petitioner has acquired the requisite qualifications. She is now a Post Graduate in English as revealed from Ext.P8. Though the petitioner had approached the Government and made a request to approve her appointment as HSA (English) it was turned down, as could be seen from Ext.P7. It is pointed out by the learned counsel that in the case of two other similarly placed teachers, the Government had granted relaxation. The orders passed by the Government in this regard are on record as Exts.P4 and P6.

3. The limited prayer is to issue an appropriate direction to respondent No. 1 to consider the question of approval of appointment of the petitioner without any delay.

4. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to reconsider the matter and take a decision in accordance with law, as expeditiously

as possible, at any rate within 3 months from the date of receipt of a copy of this judgment. While passing the order, the Government shall keep in view Exts.P4 and P6 orders also. Needless to mention that the petitioner and the Manager shall be afforded sufficient opportunity to be heard before any orders are passed.

**A.K. Basheer**  
**Judge.**

**an.**